

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ALENA GERHARDT,  
TYRIN PACHECO,**

**Plaintiffs,**

**v.**

**2:25-cv-00110-DHU-GBW**

**THE CITY OF HOBBS,  
MATHEW OLENICK,  
ANDREW LANE,  
AJEJANDRO RIVAS,  
VALERIE CHACON, and THE  
FIFTH JUDICIAL DISTRICT  
ATTORNEY'S OFFICE,**

**Defendants.**

**PLAINTIFFS' REQUEST FOR LEAVE TO FILE SUR-REPLY**

Plaintiffs Alena Gerhardt and Tyrin Pacheco respectfully request leave from the Court to file a brief sur-reply to address an issue raised, for the first time, in the City of Hobbs' reply in support of its motion for protective order. Specifically, the City's reply accuses Plaintiffs' counsel of having "violated" the *Brooks* discovery stay by "enlist[ing] a frequent client to submit an IPRA request directly seeking information from the *Brooks* officers." Dkt. No. 38.

If permitted to file a sur-reply, Plaintiffs will rebut the City's conspiracy theory by filing declarations by way of sur-reply from their attorneys attached here as Exhibits A and B. As the declarations explain, Plaintiffs' counsel did not ask or even suggest that Jason Sanchez (or anyone else) submit an IPRA request related to *Brooks*. The first time Plaintiffs' counsel learned of the IPRA request was this afternoon, when they read the City's reply. Apart from filing these Declarations, Plaintiffs do not intend to submit additional argument on the merits of Defendants' Motion.

As the City is aware, Mr. Sanchez monitors and posts about filings in numerous cases involving southeastern New Mexico. Plaintiffs' counsel suspect Mr. Sanchez saw the City's motion for protective order, and then decided to submit an IPRA request to find out what all the fuss was

about. Regardless, as the attached declarations explain, he made that decision independently (which the law permits him to do) without any input or prompting from Plaintiffs' attorneys.

Zealous advocacy is one thing. But seeking sanctions based purely on conjecture is something far different. Accordingly, Plaintiffs' request leave to file a brief sur-reply to respond to the City's baseless charges.

July 18, 2025

Respectfully,

WGLA, LLP

/s/ Benjamin Gubernick  
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*Attorneys for Plaintiff*

#### **CERTIFICATE OF SERVICE**

I hereby certify that I caused this document to be served on counsel for Defendants on July 18, 2025.

/s/ Benjamin Gubernick  
Benjamin Gubernick

#### **CERTIFICATE OF CONFERENCE**

I hereby certify that on July 18, 2025, I contacted counsel for Defendants, Haley Grant, via email, to inquire whether they were opposed to this request. I did not hear back. Due to the time sensitive nature of Defendants' Motion, we filed this request.

/s/ Benjamin Gubernick  
Benjamin Gubernick